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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,141	02/13/2004	Junichi Nishida	04739.0080	3793
22852	7590	10/05/2007		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER NGUYEN, CUONG H	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 10/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,141	Applicant(s) NISHIDA, JUNICHI	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/10/07 (the IDS).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-5 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/10/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the communication received on 7/16/2007.
2. Claims 1-5, and 11-13 are elected for examination, and claims 6-10 are withdrawn on 7/17/2007.

Claim Objections

3. According to a unique language in the invention, “abnormal reception” means signal(s) coming from failure equipment (see claim 2, line s 9-10). The examiner wonders what does a limitation of “warning means for warning of abnormal reception when said determination means determines abnormal reception” contribute anything to an invention of “A mobile object position detecting apparatus which detects a position of a mobile object according to position information transmitted from an external position information transmission apparatus” because this above limitation is required for apparatus of claims 1-5, and 11-13. The examiner does not see how this limitation of ““warning means for warning of abnormal reception when said determination means determines abnormal reception” contribute anything to the claimed subject matter.
4. A limitation for the claim position detecting apparatus is “means for detecting ...position information”, in the disclosure, it is clearly a GPS device (see paragraphs [0004], [0035], and [0045]. This device or “means” is very well-known to one with ordinary skill in the art; therefore, applicant should properly use a GPS device instead of “means for detecting ...”
5. Claim 2 has a limitation of “traveling time obtaining means for obtaining a traveling time of a mobile object receiving no position information”; again, it should be

clear to use a clock/timer as shown in Fig.4 of the disclosure, or in claim 12 to show that limitation of claim 2.

6. Claim 1 contains a limitation about “means for obtaining a travel distance of a mobile object”; the specification paragraphs [0020] and [0022] clearly shown that:

“Additionally, in the position detecting method according to the present invention, a mobile object is a vehicle, and a travel distance obtaining step obtains the travel distance based on the turn of wheels.

and

“The mobile object position detecting apparatus according to the present invention detects the position of a mobile object according to position information transmitted from an external position information transmission apparatus, and includes: a position detector for receiving position information and detecting the position of a mobile object; a travel distance detector for detecting the information about the travel distance of the mobile object; a controller for computing the travel distance of the mobile object while the position detector is not receiving the position information based on the output of the position detector and the travel distance detector, and determining abnormal reception due to faulty equipment when the travel distance exceeds a predetermined distance; and a warning device for warning of the abnormal reception when the controller determines the abnormal reception”.

According the above disclosure, it is very well known to obtain a travel distance based on the turns of wheel – and the applicant does not present another alternative – therefore, a signal from a vehicle odometer would properly replace that claimed “means for obtaining a travel distance of a mobile object”.

7. The examiner notes that all pending claims are directed to apparatus containing physical components; therefore, a proper format of “configured to” to replace the terms “for” in claims 11-13 should be applied to avoid an interpretation such as “an intent of use” that having no weight for an apparatus’s component (e.g., “*a travel distance detector for detecting information about a travel distance of a mobile object; a controller for computing a travel distance of a mobile object while said position detector is not receiving position information based on output of said position detector and said travel distance detector, and determining abnormal reception due to faulty equipment when said travel distance exceeds a predetermined distance; and a warning device for warning of abnormal reception when said controller determines abnormal reception.*”)

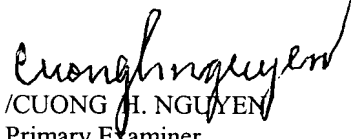
Conclusion

8. Pending claims are not patentable.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose tel. number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:30 pm Mon-Tues, and Thurs. - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


/CUONG H. NGUYEN
Primary Examiner
Art Unit 3661